

ORDINANCE NO. 07-107

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO C-1 (RESTRICTED RETAIL COMMERCIAL) ACCORDING TO THE SITE PLAN AND ELEVATIONS PREPARED BY RAMOS MARTINEZ ARCHITECTS, INC. DATED SEPTEMBER 14, 2007. **PROPERTY LOCATED ON THE NORTHEAST CORNER OF THE HIALEAH/ HIALEAH GARDENS CONNECTOR ROAD AND ON THE NORTH SIDE OF WEST 68 STREET (NW 122 STREET), HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of October 24, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from R-1 (One Family District) to C-1 (Restricted Retail Commercial) according to the site plan and elevations prepared by Ramos Martinez Architects, Inc. dated September 14, 2007. Property located on the northeast corner of the Hialeah/Hialeah Gardens Connector Road and on the north side of West 68 Street (NW 122 Street), Hialeah, Miami-Dade County, Florida, and legally described as follows:

THAT PORTION OF THE SOUTH ½ OF TRACT 23 IN THE SW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE

68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF NW 92-97 AVENUE CONNECTOR ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28, THE STANDARD PLANE RECTANGULAR COORDINATES FOR THE EAST ZONE OF FLORIDA FOR SAID POINT BEING X = 711739.45, Y = 563973.12; THENCE RUN NORTH 89° 36' 02" EAST MERCATOR, ALONG THE SOUTH LINE OF SAID SECTION 28 FOR A DISTANCE OF 1320.72 FEET TO THE POINT OF INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS NORTH 56° 23' 10" WEST FROM SAID POINT OF INTERSECTION; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF 01° 44' 45", FOR AN ARC DISTANCE OF 59.72 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF 19° 24' 12" FOR AN ARC DISTANCE OF 663.71 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH ½ OF SAID TRACT 23; THENCE RUN NORTH 89° 35' 51" EAST, ALONG THE NORTH LINE OF THE SOUTH ½ OF SAID TRACT 23, FOR A DISTANCE OF 17.36 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 23; THENCE RUN SOUTH 02° 35' 58" EAST ALONG THE EAST LINE OF SAID TRACT 23 FOR 610.43 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NW 122 STREET (WEST 68 STREET) AS NOW ESTABLISHED; THENCE SOUTH 89° 36' 02" WEST ALONG SAID RIGHT-OF-WAY LINE AND ALONG A LINE PARALLEL TO AND 50 FEET NORTH OF THE SW ¼ OF SAID SECTION 28 FOR 294.27 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

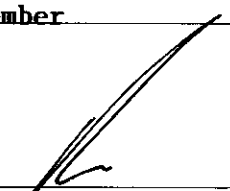
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

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Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 11th day of December, 2007.

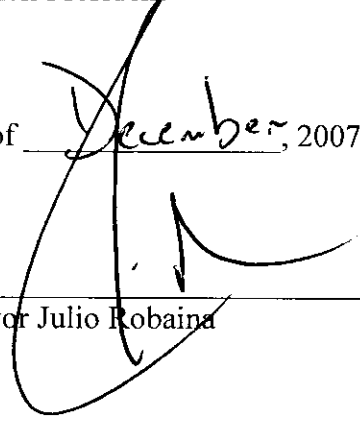


Esteban Bovo
Council President

Attest:

Approved on this 12 day of December, 2007.



Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".